

REMARKS

Applicants have withdrawn claims 1-5, 23-24, and 26-46 from consideration and without prejudice. Claims 6 and 13 has been amended. Support for the claim amendments can be found throughout the specification, claims and figures as originally filed. No new matter has been added by the claim amendments.

Objections

The Examiner's objections are as follows:

1. The use of the trademark "LeadQuest" on page 25, has been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Applicants have amended the specification to correct the designation of the trademark. Applicants respectfully request reconsideration.

2. The specification is objected to for inappropriate notation of an internet address. On page 18, 2nd full paragraph, an internet address is cited in an unacceptable form. See MPEP § 707.05(e) for the acceptable notation of an internet address.

Applicants have amended the specification to correct the notation to an internet address. Applicants respectfully request reconsideration.

3. Claim 13 is objected to as depending from a non-elected claim. The Examiner recommends rewriting Claim 13 to incorporate all the language of Claim 1, from which it co-depends.

Applicants have amended claim 13 to incorporate all the language of claim 1, from which it formerly co-depended. Applicants respectfully request reconsideration.

Rejection

1. Claims 6-22 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Desiderio (J Chromatography B 1999;731:3-21).

The Examiner states, "Desiderio teaches a method for determining the presence/quantity of a target polypeptide in a mixture of different polypeptides by providing a mixture of human tissue extracts (from human with metabolic defects and normal control-page 5, 2.1 and 2.2), adding two known quantity of labeled (labeled differently with stable isotopes) peptide internal standard (page 5, 2.4), treating the mixture with a protease (trypsin-page 7, 2.6), fragmenting the peptides in the mixture by multistage mass spectrometry (tandem mass spectrometer-page 7, 2.8), determining the ratio of labeled fragments to unlabeled fragments and calculating the quantity of the target polypeptide in the mixture (page 7, 2.10.1 and page 8, 2.10.2). Peptides are separated by HPLC chromatograph (page 6, under Chromatograph, 2.5.1-2.5.4) and the fractions (eluent and co-eluent) are shown in Fig. 5-7. The presence/quantity of target polypeptide is diagnostic of a cell state where the cell state is representative of an abnormal physiological response (human pituitary macroadenomas-page 9, 3.1), and the target polypeptide is determined in at least two mixtures (abstract and for details see pages 9-14, pages 14-17).

Therefore, the cited reference is deemed to anticipate the instant claims above."

Applicants respectfully disagree. It is axiomatic that for a cited document to constitute an anticipation, **all** of the material elements of a claim **must** be found in the cited document. See, e.g., In re Marshall, 198 USPQ 344 (CCPA 1978); and In re Kalm, 154 USPQ 10 (CCPA 1967). The cited reference discloses the use of two, differently labeled peptide internal standards (page 5, 2.4 of Desiderio). All of the currently pending claims, as amended, require only one labeled peptide internal standard. Therefore, the Desiderio reference cannot anticipate claims 6-22 and 25 of the present application. Applicants respectfully request reconsideration.



Application No. 10/781,047
Reply to Office Action of August 8, 2006

Docket No.: 57559(70207)

Applicant submits that all claims are allowable as written and respectfully request early favorable action by the Examiner. Applicant's representative would like to discuss this case with the Examiner to learn if any outstanding issues remain after consideration of this Amendment. If the Examiner believes that a telephone conversation with Applicants' attorney would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney of record. The Applicants believe that a one-month extension of time is required.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: December 8, 2006

Respectfully submitted,

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Application No. (if known): 10/781,047


Attorney Docket No.: 57559(70207)

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One Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)
Amendment (9 pages)
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